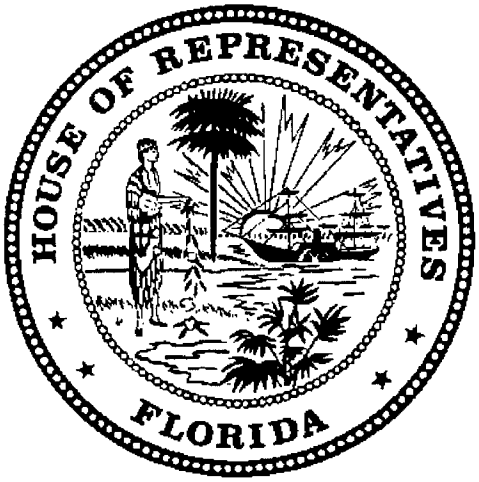

Committee on Environmental Regulation

Wednesday, March 8, 2006
1:00 – 3:00 PM
212 Knott

Allan G. Bense
Speaker

Mitch Needelman
Chair

AGENDA

Environmental Regulation Committee
March 8, 2006
1:00 p.m. – 3:00 p.m.
212 Knott

I. Call to Order/Roll Call

II. Opening Remarks

III. HB 693 by Stansel – Florida Springs Protection Act

IV. Discussion of PCBs

V. Closing Remarks and Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 693 Florida Springs Protection Act
SPONSOR(S): Stansel
TIED BILLS: **IDEN./SIM. BILLS:** SB 2538

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Environmental Regulation Committee		Perkins RP	Kliner
2) Governmental Operations Committee			
3) Agriculture & Environment Appropriations Committee			
4) State Resources Council			
5)			

SUMMARY ANALYSIS

The bill relates to springs protection and provides the following:

- Legislative intent, definitions, and a time line to establish procedures.
- Within three years after the effective date of this bill, the Department of Environmental Protection (DEP) is required to delineate and map all first and second magnitude springsheds. The mapping of these springsheds will establish "primary protection zones" for these springs, of which certain activities would be prohibited or limited.
- Within two years after the effective date of this bill, DEP is required to establish criteria for determining whether first and second magnitude springs are "impaired" under the Act and to add "impaired springs" to the agency's list of "impaired surface waters" established by statute.
- The bill sets forth procedural criteria for DEP and water management districts to determine springs impairment and requires the adoption of "total maximum daily loads" for impaired first and second magnitude springs. The DEP and water management districts are required to develop a watershed or basin management plan to address the protection of springshed water quantity and quality.
- Within one year after DEP's completion of springshed and protection zone delineation, each local government is required to review and, as necessary, modify their comprehensive plans and adopt measures to improve the protection of first and second magnitude springs flow quantity and quality. The bill requires DEP, the Department of Community Affairs and water management districts to provide guidance during the review period. Within one year after completion of the review, each local government is required to consider the recommended amendments and to adopt measures to ensure that land use activities within its jurisdiction do not diminish the quality of groundwater or recharge capability within the springshed.
- The bill prohibits certain activities in "primary protection zones" and limits other activities.
- An effective date of July 1, 2006.

The fiscal impact is indeterminate. The DEP is unable to provide an accurate fiscal estimate for the various requirements identified in the bill; however, DEP estimates that the rulemaking will cost between $10,000 and $50,000.[1]

[1] 2006 DEP HB 693 Analysis

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government: The bill creates additional regulatory requirements and increases in workload for individuals in state government, water management districts, and local governments relating to enhancing spring protection through an expansive mapping requirement.

Safeguard Individual Liberty: The bill prohibits certain activities in "primary protection zones" which may limit development in certain areas. The bill requires local governments to ensure their comprehensive plan reflects these limited uses and is implemented through passage of a local ordinance.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

DEP estimates that Florida has more than 700 springs which provide natural, recreational and economic values for Floridians and tourists. A spring is a point from which groundwater steadily discharges from a single large vent or from several small vents. The groundwater that flows from most of Florida's springs originates from the same Floridan Aquifer that is tapped for most municipal supplies and private wells in the state. Springs vary in size from the largest "first magnitude" springs with a flow of 100 cubic feet per second or more (64.6 million gallons per day), to the smallest "eighth magnitude" springs at less than one pint per minute. Florida has 33 first magnitude springs; more than any other state.[2]

Florida's springs are protected by a variety of state regulatory programs, including the state's surface and groundwater standards; the wastewater, stormwater, and other regulatory programs governing discharges to groundwater; acquisition of conservation lands; and a variety of local protection measures.[3] Local governments have the primary responsibility to determine land use activities within their jurisdiction. Therefore, local government's comprehensive plans include goals, objectives, and policies that address land use, natural resource protection, and other common considerations. A local government comprehensive plan that is effectively implemented can aid in the protection and restoration of springs.

Water can carry contaminants from the land surface into springs. Since the 1970's, scientists have documented a decline in water quality in most of Florida's springs, particularly with regards to nutrients, such as nitrogen and phosphorus found in plant fertilizers. Elevated nutrient levels may lead to increase in algae growth that decrease water clarity and change both the aesthetic qualities and the natural ecology of springs. The groundwater that feeds springs is recharged by seepage from the surface and through direct conduits such as sinkholes. The nature and magnitude of the threats to springs varies according to land use practices and geology within each spring recharge basin. Contaminants that reach the groundwater and flow to springs include nutrients from fertilizers, septic tanks, wastewater sprayfields, and farm animal wastes.[4]

The Total Maximum Daily Load (TMDL) Program is a federally mandated water quality program administered by DEP under the Florida Watershed Restoration Act. A TMDL is the maximum amount of a pollutant that a water body can assimilate without exceeding water quality standards. Under

[2] http://www.dep.state.fl.us/springs/overview.htm
[3] 2006 DEP HB 693 Analysis
[4] November 2000, Florida's Springs Strategies for Protection & Restoration Report

section 403.067, F.S., TMDLs must be developed for all impaired waters. A fundamental issue associated with determining spring impairment is an appropriate delineation of the relevant springshed and an assessment of the relationship between pollution sources in the springshed, groundwater quality, and the interaction between groundwater and surface water quality. TMDLs are developed, allocated, and implemented through a watershed management approach.[5]

In order to educate the public and further study Florida springs, the DEP developed the Florida Springs Initiative. This program investigates the sources of spring-flow, determines the springsheds that affect the water quantity and quality of springs, monitors water quality, assists landowners in implementing springs protection actions, and promotes the value of springs through extensive public education. DEP reports that springshed maps have been generated for most of the state's first magnitude springs discharging from the Floridan aquifer system. The quality of Florida spring water is directly related to discharge rates, residence time of water within the aquifer, and land-use practices within the spring recharge basin.

Effect of Proposed Change

Florida Springs Protection Act:
The bill creates Part IV of chapter 369, F.S., relating to springs protection. Legislative intent is addressed in section 369.401, F.S., to include that the Legislature recognize the following:

- Florida's springs are a precious and fragile resource that must be protected, flow and water quality at springs depict water quality in the Floridan Aquifer, and springs provide many recreational opportunities while providing critical habitat for plants and animals.
- A spring's hydrological and environmental condition is directly influenced by activities and land uses within the springshed.
- A number of the state's springs currently have elevated nutrient concentrations which may lead to increases in algae growth that decrease water clarity and change both the aesthetic and the natural ecology of springs.
- State regulating standards for nutrient concentrations in ground water are intended to protect human health and are not based on the protection of complex biological and ecological systems that contribute to the integrity of the state's springs.
- There is a lack of identification of springshed boundaries and in order to adequately protect springs the springshed areas should be delineated and characterized using the best available data.
- A coordinated statewide springs protection plan is required due to springsheds crossing local jurisdictional boundaries.
- Local governments whose jurisdiction are within springsheds emphasize the importance of this state resource in their planning and regulation efforts.
- Future amendments to comprehensive plans adopted by local governments whose jurisdiction are within the springsheds of first and second magnitude and other locally significant springs include land development regulations that protect the water quality of those springs.
- Urgent action needed to provide data necessary to delineate springsheds, protection zones, comprehensive plans and land development regulations to protect state springs. The state agencies and water management districts should work together with local governments to develop this data.

The bill provides definitions for the following terms:

[5] Florida House of Representatives, Environmental Regulation Committee, Water & Natural Resources Briefing Book 2005

- Department
- First and second magnitude springs
- Karast
- Karast terrain
- Local comprehensive plan
- Local government
- Primary protection zone
- Reclaimed water
- Reuse
- Secondary protection zone
- Spring
- Springshed
- Travel time

Springshed Delineation Map:
The bill requires DEP to delineate springsheds and primary protection zones for all first and second magnitude springs utilizing best available data from water management districts, the Florida Geological Survey and other credible sources. The delineation of protection zones are based on the following criteria:

- Proximity or connectivity to the spring
- Travel time
- Proximity to karast features
- Hydrogeologic characteristics of the springshed
- Areas that contribute surface water drainage or overland flow to the spring and its springshed
- Data from the Florida Geological Survey's Florida Aquifer Vulnerability Assessment
- Other objective and credible data

The bill provides that DEP shall prepare and propose for adoption a statewide springshed delineation map within three years after the effective date of this bill. The bill authorizes DEP during the interim to adopt primary protection zones using simple distance criteria from a spring, spring run, sinkhole, conduit, or other feature significant to spring discharge along with the authorization to adopt rules to implement this chapter. The bill provides for the rules adopted, springsheds and primary zones delineated to be periodically reviewed and amended as necessary.

First and Second Magnitude Springs Impairment Determination:
The bill requires within two years after the act becomes law, DEP to establish criteria for the impairment of first and second magnitude springs. The bill directs DEP in establishing impairment, to consider the following:

- Existing water quality and water quality trends
- Presence of algae that diminish clarity and may affect contact recreation
- Imbalance in flora and fauna
- Aesthetics as they affect economic value of a particular spring

The bill provides DEP upon the establishment of such criteria, to create a list of impaired first and second magnitude springs to be added to the existing list of impaired waters. DEP may designate a spring impaired if in the judgment of the department the spring is likely to become impaired.

TMDL Establishment For Springs:
The bill requires DEP to establish and implement TMDLs for all impaired first and second magnitude springs in conjunction with the appropriate water management districts along with developing a watershed or basin management plan to address the protection of springshed water quantity and quality. DEP is responsible for developing the schedule to implement the TMDLs for springs.

Spring Consideration With Local Government Comprehensive Plans:
The bill requires within one year after DEP's completion of springshed and protection zone delineation, each local government to review its local comprehensive plan and recommend amendments to ensure that it contains measures to protect the quantity and quality of water discharged from any first or second magnitude spring whose springhead is located wholly or partly within the jurisdiction of the local

government. The bill provides DEP, the Department of Community Affairs and water management districts to provide guidance during the review period. Within one year after completion of the review, each local government will consider the recommended amendments and adopt measures to ensure that land use activities within its jurisdiction do not diminish the quality of groundwater or recharge capability within the springhead.

Prohibited and Limited Uses Within Primary Protection Zones:
The bill prohibits new industrial wastewater disposal systems, new landfills (including lined landfills), and new rapid infiltration basins within primary protection zones. The bill provides that only by a special use permit in accordance with local ordinances the following limited uses:

- New slow-rate land application systems, excluding the reuse of reclaimed water
- New onsite sewage disposal systems at a density of greater than one per five acres, except those that make use of advanced, low nutrient output designs approved by the Department of Health
- New facilities for the transfer, storage, or disposal of hazardous materials or waste
- Other land uses may be prohibited in the local comprehensive plan at the discretion of a local government, after considering existing land use patterns and the potential damage to a particular spring.

The bill provides that local governments will ensure their comprehensive plan reflects these limited uses and is implemented through passage of a local ordinance.

C. SECTION DIRECTORY:

Section 1 Creates Part IV of chapter 369, F.S., relating to springs protection.

Section 2 The act will take effect July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.

2. Expenditures:

   The fiscal impact is indeterminate. The DEP is unable to provide an accurate fiscal estimate for the various requirements identified in the bill; however, DEP estimates that the rulemaking will cost between $10,000 and $50,000.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.

2. Expenditures:

   The cost associated with local government comprehensive plan review and amendment is indeterminate.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Local government adoption of measures that would preclude any land use activity that diminishes groundwater quality and recharge capability would likely have a negative impact on the private sector.[6]

D. FISCAL COMMENTS:

DEP reports that the bill's requirements, including implementation of complicated and expensive springs delineations, would have to be accomplished without any additional resources allocated to DEP.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other: None.

B. RULE-MAKING AUTHORITY:

DEP is required to create additional rules for the implementation of this act. The rulemaking required would cost between $10,000 and $50,000, assuming rule adoption were not challenged.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Staff has been advised by the sponsor of this bill that a strike-all amendment is forthcoming.

DEP Comments:

The bill as filed contains too many critical elements of proposed legislation which are unclear or undefined, making it impossible to implement and rendering its potential fiscal and workload impacts indeterminate but, potentially enormous.

The legislation is intended to improve the quality of Florida's springs, an objective the department shares completely. For that reason, the department has approached the sponsor and believes it can work out an agreeable compromise on the bill that accomplishes the goals in this legislation while keeping this effort within the established framework of the department's springs initiative.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

[6] 2006 DEP HB 693 Analysis

A bill to be entitled

An act relating to the Florida Springs Protection Act; creating pt. IV of ch. 369, F.S., relating to springs protection; providing a popular name; providing legislative intent; providing definitions; requiring the Department of Environmental Protection and water management districts to delineate springsheds and primary protection zones for first and second magnitude springs; providing requirements and procedures with respect thereto; providing rulemaking authority; requiring the department to establish criteria for impairment of springs and implement total maximum daily loads for such springs; providing requirements and procedures with respect thereto; requiring local governments with jurisdiction over certain springs to review and amend comprehensive plans; prohibiting certain activities within primary protection zones; requiring a special use permit for limited activities within primary protection zones; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Part IV of chapter 369, Florida Statutes, consisting of sections 369.401, 369.403, 369.405, 369.407, 369.409, 369.411, 369.413, and 369.415, is created to read:

PART IV

SPRINGS PROTECTION

369.401 Part title.--This part may be cited as the "Florida Springs Protection Act."

369.403 Legislative intent.--

(1) The Legislature recognizes that Florida's springs are a precious and fragile natural resource that must be protected. Flow and water quality at springs are indicators of local conditions in the Floridan Aquifer and other major aquifers which are also drinking water sources for many citizens of this state. Florida's springs also provide recreational opportunities for swimmers, boaters, wildlife watchers, and cave divers. Because of these recreational opportunities, and accompanying tourism, many of Florida's springs provide great financial benefits to local economies. In addition, springs provide critical habitat for numerous endangered or threatened species of plants and animals and serve as general indicators of the quality of groundwater resources.

(2) The Legislature recognizes that a spring is only as healthy as its springshed. The groundwater that supplies springs is derived from rainfall that recharges aquifer systems in the form of seepage from the land surface and through direct conduits such as sinkholes. As a result, the hydrologic and environmental condition of a spring or spring run is directly influenced by activities and land uses within the springshed.

(3) The Legislature recognizes that a number of the state's springs, including Crystal Springs, De Leon Springs, Fanning Springs, Lithia Springs, Manatee Springs, Ponce De Leon Springs, Rainbow Springs, Silver Springs, Wakulla Springs, Weeki Wachee Springs, and Wekiva Springs, currently have elevated

nutrient concentrations, as determined by department bioassessments. Elevated nutrient concentrations may lead to increases in algae growth that decrease water clarity and change both the aesthetic qualities and the natural ecology of springs.

(4) The Legislature recognizes that state standards regulating nutrient concentrations in ground water, including minimum criteria, are intended to protect human health and are not based on protection of the complex biological and ecological systems that contribute to the integrity of the state's springs.

(5) The Legislature recognizes that springshed boundaries and areas of high vulnerability within springsheds often have not been identified and that to adequately protect springs, these areas must be delineated and characterized using the best available data.

(6) The Legislature recognizes that because springsheds cross local government jurisdictional boundaries, a coordinated, statewide springs protection plan is required.

(7) It is the intent of the Legislature that local governments whose jurisdictions are within springsheds emphasize the importance of this state resource in their planning and regulation efforts.

(8) It is the intent of the Legislature that future amendments to comprehensive plans adopted by local governments whose jurisdictions are within the springsheds of first and second magnitude and other locally significant springs include land development regulations that protect the water quantity and quality of those springs.

(9) It is the intent of the Legislature that state agencies and water management districts work together with local governments to provide the data necessary to delineate springsheds and protection zones and to develop comprehensive plans and land development regulations that protect state springs. The Legislature recognizes that urgent action is needed and can be reasonably based on best available data.

369.405 Definitions.--As used in this part:

(1) "Department" means the Department of Environmental Protection, which includes the Florida Geological Survey.

(2) "First and second magnitude springs" means those springs identified as first or second magnitude by the Florida Geological Survey in Florida Geological Survey Bulletin No. 66 (2004), "Springs of Florida."

(3) "Karst" means landforms that have been modified by dissolution of soluble rock such as limestone or dolostone.

(4) "Karst terrain" means a terrain, generally underlain by limestone or dolostone, in which the topography is chiefly formed by the dissolution of rock and which may be characterized by sinkholes, sinking streams, closed depressions, subterranean drainage, and caves.

(5) "Local comprehensive plan" means a comprehensive plan adopted pursuant to ss. 163.3164-163.3215.

(6) "Local government" means a local government whose jurisdiction includes a first or second magnitude spring or any part of a primary or secondary protection zone for a first or second magnitude spring.

(7) "Primary protection zone" means the geographic area within a springshed identified by the department under s. 369.407 that, because of its proximity or connectivity to the spring or its karst features, or both, contributes directly to a spring's flow and water quality.

(8) "Reclaimed water" means wastewater that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility.

(9) "Reuse" means the deliberate application of reclaimed water, in compliance with department and water management district rules, for a beneficial purpose.

(10) "Secondary protection zone" means the geographic area within a springshed identified by the department under s. 369.407 that is located within the springshed but outside the primary protection zone.

(11) "Spring" means a point at which groundwater emerges onto the earth's surface, including under any surface water of the state, excluding seeps. The term "spring" includes karst windows, which are depression openings that reveal portions of a subterranean flow or the unroofed portion of a cave. The term also includes spring runs, the flow of which is predominantly composed of spring discharge.

(12) "Springshed" or "spring recharge basin" means those areas within groundwater and surface water basins that contribute to the discharge of a spring. The position of the divide is orthogonal to isopotential lines.

(13) "Travel time" means the time required for water to travel horizontally, vertically, or a combination thereof from any point in the springshed to the point at which it emerges from the ground and contributes to the flow of a spring or spring run.

369.407 Delineation of springsheds and primary protection zones.--

(1) The department, in cooperation with water management districts, shall delineate springsheds and primary protection zones for all first and second magnitude springs.

(2) The delineation of springsheds and primary protection zones shall be accomplished using best available data from water management districts, the Florida Geological Survey, and other credible sources. The delineation of protection zones shall be based on a consideration of the following:

(a) Proximity or connectivity to the spring.

(b) Travel time.

(c) Proximity to karst features.

(d) Hydrogeologic characteristics of the springshed such as the nature and extent of confining units within the groundwater flow system and the location of areas delineated as recharge areas.

(e) Areas that contribute surface water drainage or overland flow to the spring and its springshed.

(f) Data from Florida Geological Survey's Florida Aquifer Vulnerability Assessment.

(g) Other objective and credible data.

(3) Because of the urgent need for a consistent mapping effort that can be used by state agencies and local governments, the delineation of springsheds and primary protection zones shall begin immediately upon passage of this act. A statewide springshed delineation map shall be proposed for adoption by the department no later than 3 years after this act takes effect. The department is authorized to adopt interim primary protection zones using simple distance criteria from a spring, spring run, sinkhole, conduit, or other feature significant to spring discharge.

(4) The department shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement the provisions of this chapter.

(5) The springsheds and primary zones delineated pursuant to subsection (1) and the rules adopted pursuant to subsection (4) shall be periodically reviewed and amended as necessary.

369.409 Establishment and implementation of total maximum daily loads for impaired first and second magnitude springs.--

(1) Within 2 years after this act becomes law, the department shall establish criteria for impairment of first and second magnitude springs. In determining impairment, the department shall consider without limitation all of the following:

(a) Existing water quality and water quality trends, especially nutrient and chlorophyll-a concentrations.

(b) The presence of algae that diminish clarity and may affect contact recreation.

(c) Imbalance in flora and fauna.

(d) Aesthetics as they affect economic value of a particular spring.

Following the establishment of such criteria, the department shall create a list of impaired first and second magnitude springs to be added to the existing list of impaired waters subject to s. 403.067. A spring may be designated as impaired if, in the judgment of the department, it is likely to become impaired.

(2) The department shall, pursuant to s. 403.067, establish and implement total maximum daily loads for all impaired first and second magnitude springs in the state as determined under subsection (1).

(3) In establishing and implementing the total maximum daily loads of nutrients for springs, the department, or the department in conjunction with appropriate water management districts, shall develop a watershed or basin management plan, as specified in s. 403.067(7), that addresses protection of springshed water quantity and quality.

(4) The establishment and implementation of total maximum daily loads of nutrients shall include the reasonable and equitable allocation of the total maximum daily loads to each local government.

(5) The department shall, within the period mandated in subsection (1), set the schedule for establishing and implementing total maximum daily loads for springs.

369.411 Review and amendment of local comprehensive plans to protect spring water recharge and quality.--

(1) Within 1 year after the department's completion of springshed and protection zone delineations as required under s. 369.407, each local government shall review its local comprehensive plan and recommend amendments to the comprehensive plan to ensure that it contains goals, objectives, and policies that result in the protection of the quantity and quality of water discharged from any first or second magnitude spring whose springshed is located wholly or partly within the jurisdiction of the local government. Guidance during this review shall be provided by the Department of Community Affairs, water management districts, and the department.

(2) Within 1 year after completion of the review specified in subsection (1), each local government shall consider the recommended amendments and adopt measures to ensure that land use activities within its jurisdiction:

(a) Do not diminish the quality of groundwater recharge within the springshed.

(b) Do not reduce groundwater recharge capability within the springshed.

369.413 Prohibited activities within primary protection zones.--The following activities shall be prohibited within primary protection zones:

(1) New industrial wastewater disposal systems.

(2) New landfills, including lined landfills.

(3) New rapid infiltration basins.

369.415 Limited or conditional uses within primary protection zones.--

(1) The following shall be permitted in a primary protection zone only by special use permit in accordance with local ordinances:

(a) New slow-rate land application systems, excluding the reuse of reclaimed water.

(b) New onsite sewage disposal systems at a density of greater than 1 per 5 acres, except those that make use of advanced, low nutrient output designs approved by the Department of Health.

(c) New facilities for the transfer, storage, or disposal of hazardous materials or waste, including SARA 302 facilities.

Other land uses may be prohibited in the local comprehensive plan at the discretion of a local government, after considering existing land use patterns and the potential for damage to a particular spring.

(2) Local governments shall ensure that their comprehensive plan reflects these limited uses and is implemented through passage of a local ordinance.

Section 2. This act shall take effect July 1, 2006.

A bill to be entitled

An act relating to agricultural disaster assistance; amending s. 570.249, F.S.; expanding the conditions under which loan funds to certain agricultural producers may be granted; increasing the maximum amount of a loan; providing definitions; providing an appropriation; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (1) of section 570.249, Florida Statutes, is amended to read:

570.249 Agricultural Economic Development Program disaster loans and grants and aid.--

(1) USE OF LOAN FUNDS.--

(a) Loan funds to agricultural producers who have experienced ~~crop~~ losses from a natural disaster or a socioeconomic condition or event may be used to:

1. Restore, ~~or~~ replace, or remove debris from essential physical property~~, such as animals, fences, equipment, structural production facilities, and orchard trees;~~.

2. Pay all or part of production costs associated with the disaster year.~~;~~

3. Pay essential family living expenses.~~; and~~

4. Restructure farm debts.

(b) Funds may be issued as direct loans, or as loan guarantees for up to 90 percent of the total loan, in amounts not less than $30,000 nor more than $300,000 ~~$250,000~~. Applicants must provide at least 10 percent equity.

(c) For purposes of this subsection, the term:

1. "Losses" means crop loss or damage to an agricultural facility or infrastructure or farmworker housing owned by an agricultural producer.

2. "Essential physical property" means animals, fences, equipment, structural production facilities, other agricultural facility or infrastructure or farmworker housing owned by an agricultural producer, and orchard trees.

Section 2. The sum of $50 million is appropriated from the General Revenue Fund to the General Inspection Trust Fund within the Department of Agriculture and Consumer Services for fiscal year 2006-2007 for the purpose of providing loan funds under s. 570.249, Florida Statutes, to agricultural producers who experienced losses during the 2005 calendar year.

Section 3. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **693**

COUNCIL/COMMITTEE ACTION

ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	__ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	_____

Council/Committee hearing bill: Environmental Regulation Committee

Representative Stansel offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Part IV of chapter 369, Florida Statutes, consisting of sections 369.401, 369.403, and 369.405, is created to read:

PART IV

SPRINGS PROTECTION

369.401 Short title.--This part may be cited as the "Florida Springs Protection Act."

369.403 Legislative findings and intent.--

(1) The Legislature finds that in general Florida springs whether found in urban or rural settings, public parks, or private lands, are threatened by actual and potential flow reductions and declining water quality. As a result of climate patterns and population changes over the past 30 years, many of Florida's springs have begun to exhibit signs of distress, including increasing nutrient loading and lowered discharge. The groundwater

that feeds springs is recharged by seepage from the surface and surface runoff and through direct conduits such as sinkholes

(2) The Legislature further finds that springs and groundwater once damaged by overuse can be restored through good stewardship, including effective planning strategies and best management practices to preserve and protect the springs. Land use planning decisions can protect and improve spring water quality and quantity, as well as upland resources. Managing land use types and their allowable densities and intensities of development, followed by specific site planning to further minimize impacts, rank as an important goal.

(3) The Legislature further finds that development in Florida will add to the pressure already affecting the surface and ground water resources within each area that contributes to spring flow.

(4) The Legislature further finds there exists a need to provide for land use decisions that recognize protected property rights and ensure the long-term viability of the springs in Florida.

(5) The Legislature further finds that cooperative coordinated efforts, such as the Suwannee River Partnership and the Wekiva River Basin Coordinating Committee, implemented by state and regional agencies, local governments, and affected interests can best develop the mechanisms to protect Floridas springs. It is therefore the intent of the Legislature to create the Florida Springs Commission for the purpose of identifying protection, restoration, and preservation strategies for Florida springs.

369.405 Florida Springs Commission.--

(1)(a) The Florida Springs Commission is hereby created and shall include:

1. The Commissioner of Agriculture, the secretaries of the Department of Community Affairs, the Department of Environmental Protection, the Department of Transportation, and the Department of Health, the executive director of the Fish and Wildlife Conservation Commission, a representative from a water management district governing board, a representative from a regional planning council, a representative from the Florida Chamber of Commerce, a representative from the Florida Association of Community Developers, a representative from the American Water Works Association, and a representative from the Florida Home Builders Association.

2. Three members appointed by the Governor consisting of:

a. A member of an environmental organization.

b. A property owner interested in springs protection.

c. A member from the business community.

3. Three members appointed by the President of the Senate consisting of:

a. A member of the Senate.

b. A locally elected county or municipal official.

c. A member of a conservation organization.

4. Three members appointed by the Speaker of the House of Representatives consisting of:

a. A member of the House of Representatives.

b. A locally elected county or municipal officer.

c. A member of the agricultural community.

(b) The secretary of the Department of Environmental Protection shall serve as chair of the commission.

(c) Members of the commission shall serve without compensation, but shall be reimbursed for per diem and travel expenses in accordance with s. 112.061.

(d) The state and regional governmental commission members may designate to represent their entity a senior staff person, who shall have full voting authority.

(e) The commission may appoint technical subcommittees as needed to assist in the completion of the work of thecommission, and such technical subcommittees may include qualified persons not on the commission.

(f) All state agencies are directed, and all other agencies and local governments are requested, to render assistance to and cooperate with the commission.

(2) The commission shall perform an assessment of the existing conditions of all first and second magnitude springs. To assist the commission, the Department of Environmental Protection shall work with the water management districts to identify and map all first and second magnitude springs within each district. The department and districts shall cooperatively perform an assessment and create a uniform geographic information system standard for collecting and reporting springs data. The assessment for each spring shall include, at a minimum, the following information:

(a) Current land owner.

(b) Latitude and longitude.

(c) Water quality, water quantity, and water use.

(d) Wetlands.

(e) Geology and soils.

(f) Vegetation.

(g) Floodplain area.

(h) Infrastructure.

(i) Fish and wildlife.

(j) Cultural resources and archaeology.

(k) Public access and use.

(l) Land use.

(m) Hazardous materials.

(n) Public health and safety.

(o) Aesthetics and scenic resources.

(p) Socioeconomics.

(3) The commission shall evaluate and recommend strategies for protecting and ensuring the long-term viability of the state's springs. In conducting this evaluation and developing its recommendations, the commission shall consider:

(a) The protection of property rights.

(b) The effectiveness and application of current land use strategies.

(c) The development and application of innovative land use planning strategies.

(d) The effectiveness and sufficiency of existing regulations.

(e) The use of regional partnerships, best management practices, and other incentive-based nonregulatory programs.

(4) It is recognized that many springs protection policies and programs have been developed or implemented through ongoing efforts and that an evaluation of these policies and programs can serve as a baseline and will greatly assist thecommission in the development of its recommendations. Therefore, in conducting its evaluation and developing recommendations, the commission shall consider relevant studies, springs protection initiatives, and other information currently available for springs protection, including:

(a) The Suwannee River Partnership.

(b) The Wekiva Basin Area Task Force.

(c) The Wekiva River Basin Coordinating Committee.

(d) The Florida Springs Initiative in the Department of Environmental Protection.

(e) The Florida Springs Task Force.

(f) The use of basin management action plans developed by the Department of Environmental Protection pursuant to the implementation of the total maximum daily load program.

(5) The commission shall develop an overall model springs protection plan which applies its recommended strategies developed pursuant to subsections (3) and (4). The model plan shall contain components that can be used by state agencies, local governments, and citizens for more detailed individual springs protection plans. Each plan shall provide a 5-year strategy for the use and management of the springs based on information from the assessment. The model plan shall include, at a minimum, the following components:

(a) Analysis of environmental conditions

(b) Analysis of present use patterns.

(c) Analysis of ability of the spring to support increased public use.

(d) Discussion of the economic potential of spring use by the public.

(e) Discussion of actions needed to promote increased public use.

(f) Discussion of infrastructure requirements.

(g) Discussion of personnel requirements

(h) Discussion of security needs

(i) Discussion of limits on spring use to avoid permanent detrimental impacts to the spring

(j) Discussion of strategy for leveraging resources for springs protection.

(k) Discussion of a long-term management partnership among the state, regional, and local governments and citizens within the area.

(6) The commission may develop and recommend other appropriate measures necessary to achieve springs protection.

(7) In developing its recommendations, the commission shall receive and consider public comment and shall otherwise maximize public participation from all affected parties.

(8) The commission shall expire July 1, 2010.

Section 2. This act shall take effect July 1, 2006.

========== T I T L E A M E N D M E N T ==========

Remove the entire title and insert:

A bill to be entitled

An act relating to the Florida Springs Protection Act; creating pt. IV of ch. 369, F.S.; relating to springs protection; creating s. 369.401, F.S.; providing a short title; creating s. 369.403, F.S.; providing legislative intent; creating s. 369.405, F.S.; creating the Florida Springs Commission; providing for membership and the appointment of certain members by the Governor and the Legislature; providing for certain compensation for commission members; authorizing appointment of technical subcommittees; directing state agencies and requesting local governments to provide assistance to the commission; requiring the Department of Environmental Protection and water management districts to identify and assess certain springs; providing requirements for such assessments; requiring the commission to perform certain assessments and recommend strategies for protecting and ensuring the long-term viability of the state's springs; providing

requirements and procedures therefor; requiring a model springs protection plan; providing a dissolution date for the commission; providing an effective date.